



City and County of Swansea

Minutes of the **General Licensing Committee**

Council Chamber - Guildhall, Swansea

Friday, 8 November 2019 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

N J Davies
P Lloyd
B J Rowlands

Councillor(s)

P Downing
H M Morris
L G Thomas

Councillor(s)

S J Gallagher
C L Philpott
L V Walton

Officer(s)

Lynda Anthony
Yvonne Lewis
Samantha Woon
Craig Davies

Licensing, Food and Safety Manager
Team Leader, Licensing
Democratic Services Officer
Lawyer

Apologies for Absence

Councillor(s): C Anderson and J P Curtice

36 Disclosures of Personal and Prejudicial Interest.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

37 Minutes:

Resolved that the Minutes of the General Licensing Committee held on 13 September, 2019 be agreed as a correct record.

38 Exclusion of the Public.

The Committee was requested to exclude the public from the meeting during the consideration of the items of business identified in the recommendations to the report on the grounds that it involved the likely disclosure of exempt information as set out in the exclusion paragraph of 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007, relevant to the item of business as set out in the report.

The Committee considered the Public Interest Test in deciding to exclude the public from the meeting for the items of business where the Public Interest Test was relevant, as set out in the report.

Resolved that the public be excluded for the following items of business.

(Closed Session)

39 Town Police Clauses Act 1847 & Local Government (Miscellaneous Provisions) Act 1976 - Equality Act 2010 - Passengers in Wheelchairs - Request for an Exemption Certificate - IMA.

The Licensing, Food & Safety Manager, detailed the background in respect of IMA.

IMA explained the circumstances relating to the application and answered Members' questions.

Resolved that IMA's application for an Exemption Certificate be **approved indefinitely**.

40 Town Police Clauses Act 1847 & Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of a Restricted Hackney Carriage and Private Hire Driver's Licence - SS.

The Lawyer advising the Committee stated that as a result of administrative issues, pages of the report and appendix relating to SS were incomplete within Members' agenda papers. In order that SS be given a fair hearing, Officers had spoken to SS who had requested Members' consider deferring the issue to a later date.

Resolved that the matter be deferred to a later meeting.

41 Town Police Clauses Act 1847 & Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of a Hackney Carriage and Private Hire Driver's Licence - MSB.

The Licensing, Food & Safety Manager, detailed the background in respect of MSB.

MSB detailed the circumstances relating to the convictions and answered Members' questions.

The Licensing, Food & Safety Manager sought clarification on two issues contained within the report.

The Lawyer advising the Committee provided advice to the Committee following clarification by the Licensing, Food & Safety Manager.

Resolved that MSB's application for the grant of a Hackney Carriage and Private Hire Driver's Licence be **Refused**.

Reason for Decision

It was felt that MSB had not offered compelling mitigation to deviate from paragraph 4.42 on the Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades, which states 'where an applicant has 7 or

more points on their DVLA Licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed'.

Members felt that MSB had not provided evidence of exceptional circumstances or justifiable reasons to depart from policy; as per 3.29 of the guidance.

Members did not consider MSB to be a safe and suitable person and he had not passed the fit an proper test.

42 Town Police Clauses Act 1847 & Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of a Hackney Carriage and Private Hire Driver's Licence - DRF.

The Licensing, Food & Safety Manager, detailed the background in respect of DRF.

DRF explained the circumstances surrounding the convictions and answered Members' questions.

Resolved that DRF's application for the grant of a Hackney Carriage and Private Hire Driver's Licence be **Refused**.

Reason for Decision

Members were of the opinion that DRF had failed to provide compelling mitigation regarding the convictions.

Members referred to section 4.31 of the Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private hire Trades, which states that 'where an applicant has a conviction of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Members not of the view that DRF is a safe and suitable person, in addition felt that he was not deemed fit and proper.

Consideration was given regarding 3.29 of the guidance and members felt that DRF did not evidence any exceptional circumstances, or justifiable reasons to depart from the adopted guidelines.

The meeting ended at 11.40 am

Chair